

IN RE: PETITION FOR VARIANCE
NW/Corner Reisterstown Road and
Shetland Circle
(11619 Reisterstown Road)
4th Election District
3rd Councilmanic District

Eddie F. Molesworth
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 99-522-A

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owner of the subject property, Eddie F. Molesworth. The Petitioner seeks relief from Section 232.5 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 21 feet in lieu of the required 25 feet for a proposed addition. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite hearing held in this case were James P. Beahn, Professional Engineer who prepared the site plan for this property, and Lindley DeGarmo, of DeGarmo Construction Company. There were no Protestants or other interested persons present.

An examination of the site plan discloses that the subject property consists of a gross area of 0.88 acres, more or less, zoned B.L. and is improved with a one-story building of 632.27 sq.ft. in area. The property is a rectangular shaped parcel located on the northeast corner of the intersection of Reisterstown Road and Shetland Circle in Reisterstown. Vehicular access to the site is by way of Reisterstown Road to a macadam parking area. The property is the site of the Main Street Veterinary Hospital, Inc. which is owned and operated by the Petitioner. Testimony indicated that due to an expansion of the business, Dr. Molesworth proposes the construction of a 16' x 107' addition on the northwest side of the existing building to provide needed office space and examination rooms for the practice. Due to the location of the existing building on the property, the requested variance is necessary.

ORDER RECEIVED FOR FILING

Date

By

Based upon the testimony and evidence presented, all of which was undisputed, I am persuaded to grant the Petition for Variance. Sufficient testimony and evidence was offered to demonstrate that the Petitioner complies with the requirements of Section 307 of the B.C.Z.R. to obtain variance relief and that there will be no detrimental impact on adjacent properties. I am equally persuaded that the property is unique, and that a practical difficulty would be suffered if relief were denied.

A written note was contained in the case file from the Zoning Review Division of the Department of Permits and Development Management (DPDM), regarding the potential necessity of variance relief from the average front yard setback requirements. At the hearing, Mr. Beahn indicated that he measured the distance from the existing building to adjacent buildings and that those buildings in each direction are in excess of 100 feet from the subject property. Thus, no additional variance relief will be required.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 10th day of August, 1999 that the Petition for Variance seeking relief from Section 232.5 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 21 feet in lieu of the required 25 feet for a proposed addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

LES:bjs


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 8/10/99
By [Signature]



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

August 10, 1999

Dr. Eddie Molesworth
4801 Osborne Road
Boring, Maryland 21020

RE: PETITION FOR VARIANCE
NW/Corner Reisterstown Road and Shetland Circle
(11619 Reisterstown Road)
4th Election District – 3rd Councilmanic District
Eddie F. Molesworth - Petitioner
Case No. 99-522-A

Dear Dr. Molesworth:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt", is written over a horizontal line.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. James P. Beahn, Kennedy, Porter & Associates, Inc.
4110 Black Rock Road, Hampstead, Md. 21074
Mr. Lindley DeGarmo, DeGarmo Contractors, Inc.
3801 Millender Mill Road, Upperco, Md. 21155
People's Counsel; Case File

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 11619 Reisterstown Road

which is presently zoned BL

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

232.5 (N.B. Property adjoins DR16 zone which requires 25' side yard)
Request a variance of the required 25 ft. side yard to 21 ft.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

Not possible to build addition without variance.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

N/A

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Eddie F. Molesworth

Name - Type or Print

Signature

Name - Type or Print

Signature

4801 Osborne Road

(410) 526-7500

Address

Telephone No.

Boring,

MD

21020

City

State

Zip Code

Representative to be Contacted:

Mr. James P. Beahn, P.E.

Name

c/o Kennedy, Porter & Associates, Inc.

Address

Telephone No.

4110 Black Rock Road Hampstead, MD 21074

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1/2 hr

UNAVAILABLE FOR HEARING

Reviewed By JK

Date

6/24/99

ORDER RECEIVED FOR FILING

Date

9/15/98

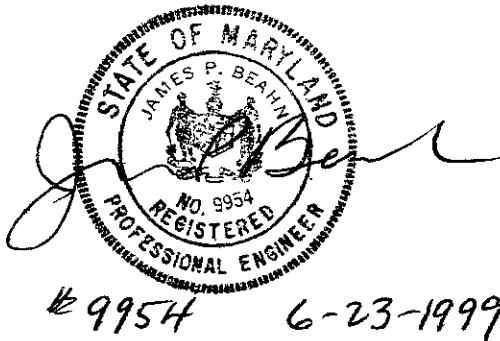
ZONING DESCRIPTION

Beginning, at a point on the northeast side of Reisterstown Road, 66 feet wide, at the intersection of the south westerly side of Shetland Circle, 60 feet wide, thence from the point of beginning, along the northeasterly line of Reisterstown Road.

1. N 44° - 02' - 00" W, 144.86' to a point thence leaving the right-of-way line of Reisterstown Road,
2. N 46° - 31' - 51"W, 267.81'³ to a point, thence
3. S 43° - 28' - 09" E, 144.83' to a point on the south westerly right-of-way line of Shetland Circle, thence with the south westerly right-of-way line of Shetland Circle.
4. S 46° - 31' - 51"W, 263.52 to the place of beginning.

Containing 0.88 acre.

Being all of that tract of land which by deed dated December 12, 1985 and recorded among the Land Records at Liber 7067, Page 815 was granted and conveyed by Gordon C. Lee to Eddie F. Molesworth, known as 11619 Reisterstown Road, Reisterstown, MD 21136.



522

99.522-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

✓ #522 No. 069901

DATE 6/24/99 ACCOUNT 00016150

AMOUNT \$ 250.00

RECEIVED FROM: JAMES BEAHN

FOR: Comm Var. Filing

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

PROCESS ACTUAL TIME
6/24/1999 6/24/1999 10:18:26
REG #001 CASHIER JRIC JAR DRUMER
Dated 5 528 ZONING VERIFICATION
Receipt # 106129
CR NO. 069901

Receipt Tot 250.00
250.00 OK
Baltimore County, Maryland

99-522-A

CASHIER'S VALIDATION

CERTIFICATE OF PUBLICATION

TOWSON, MD., 7/22/, 1999

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 7/22/, 1999

THE JEFFERSONIAN,

S. Wilkinson

LEGAL ADVERTISING

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

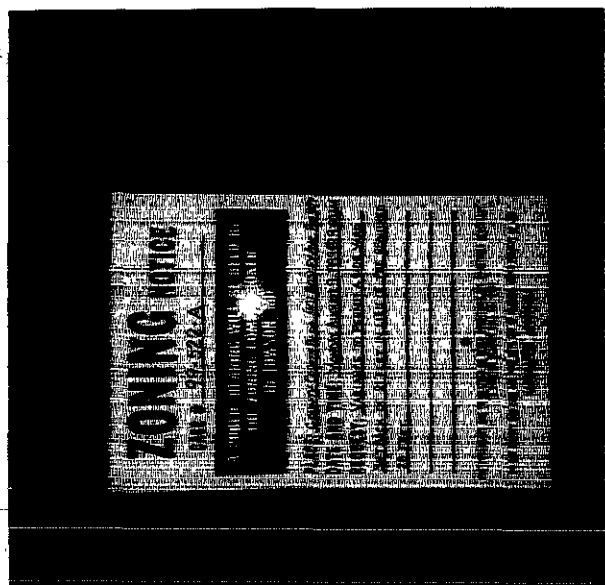
Case: #99-622-A
11616 Reisterstown Road
NW/C Reisterstown Road and
Shepard Circle
4th Election District
3rd Councilmanic District
Legal Owner(s):
Eddie F. Molesworth
Variances: to permit a side
yard setback of 21 feet in lieu
of the required 25 feet.
Hearing: Monday, August 9,
1999 at 9:00 a.m. in Room
407, County Court Bldg.,
401 Bayley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are
Handicapped Accessible for
special accommodations.
Please Contact the Zoning
Commissioner's Office at
(410) 887-4386.

(2) For information concern-
ing the File and/or Hearing,
Contact the Zoning Review Of-
fice at (410) 887-3351.

7/24/99 July 22 0326336





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

July 12, 1999

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-522-A
11619 Reisterstown Road
NWC Reisterstown Road and Shetland Circle
4th Election District – 3rd Councilmanic District
Legal Owner: Eddie F. Molesworth

Variance to permit a side yard setback of 21 feet in lieu of the required 25 feet.

HEARING: Monday, August 9, 1999 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Arnold Jablon
Director

c: Eddie Molesworth
Kennedy, Porter & Associates, Inc.

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY JULY 25, 1999.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper

TO: PATUXENT PUBLISHING COMPANY
Thursday, July 22, 1999 Issue – Jeffersonian

Please forward billing to:
Eddie Molesworth
4801 Osborne Road
Boring, MD 21020

410-526-7500

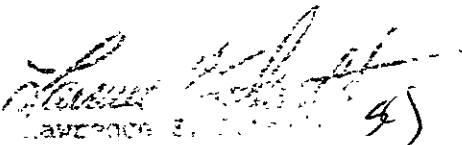
NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

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11619 Reisterstown Road
NWC Reisterstown Road and Shetland Circle
4th Election District – 3rd Councilmanic District
Legal Owner: Eddie F. Molesworth

Variance to permit a side yard setback of 21 feet in lieu of the required 25 feet.

HEARING: Monday, August 9, 1999 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue



LAWRENCE E. SCHMIDT

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

August 5, 1999

James P. Beahn, P.E.
c/o Kennedy, Porter & Associates, Inc.
4110 Black Rock Road
Hampstead, MD 21074

Dear Mr. Beahn:

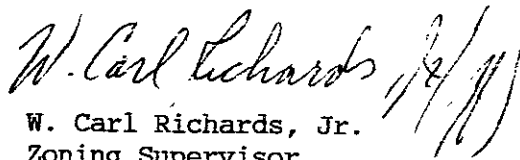
RE: Case No.: 99-522-A, Petitioner: Eddie F. Molesworth,
Location: 11619 Reisterstown Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on July 24, 1999.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency.

Very truly yours,



W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:ggs

Enclosures

Come visit the County's Website at www.co.ba.md.us



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

Date: July 13, 1999

FROM: *RWB* Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
for July 12, 1999
Item Nos. 501, 502, 503, 504, 505,
507, 508, 509, 510, 511, 512, 513,
514, 516, 518, 519, 520, 521, 522,
523, 524,

and

Case Number 99-477-SPHA
Windsor Commons

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comments.

RWB:jrb

cc: File

ZAC07129.NOC

ho
slr

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits
and Development Management

Date: July 12, 1999

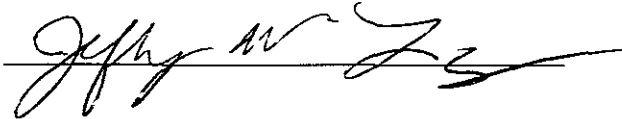
FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: Zoning Advisory Petitions

The Office of Planning has no comment on the following petition(s):
Item No(s): 507, 510, 511, 512, 513, 515, 518, 521, 522, and 523

If there should be any questions or this office can provide additional information, please
contact Jeffrey Long in the Office of Planning at 410-887-3480.

Section Chief:



AFK/JL



**Baltimore County
Fire Department**

700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4500

August 10, 1999

Arnold Jablon, Director
Senior Administration and Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL ROOM-1100

RE: EX-EMPT OWNER: SEE ITEM NUMBERS BEL W

Location: DISTRIBUTION MEETING OF JULY 5, 1999

Item No.: 506, 509, 517, 521, AND 522 Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

1. The site shall be made to comply with all applicable sections of the Fire Prevention Code prior to occupancy or beginning of operation.
2. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1994 edition prior to occupancy.

REVIEWER: LT. ROBERT F. SAUERMAID

Fire Marshal Office, PHONE 937-4661, MS-1102F

cc: File



RE: PETITION FOR VARIANCE
11619 Reisterstown Road, NWC Reisterstown
Rd and Shetland Cir.
4th Election District, 3rd Councilmanic

Legal Owner: Eddie F. Molesworth
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 99-522-A

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.



PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of July, 1999 a copy of the foregoing Entry of Appearance was mailed to James P. Beahn, Kennedy, Porter & Assoc., 4110 Black Rock Road, Hampstead, MD 21074, representative for Petitioners.



PETER MAX ZIMMERMAN

BALTIMORE COUNTY, MARYLAND
Inter-Office Memorandum

DATE: June 24, 1999

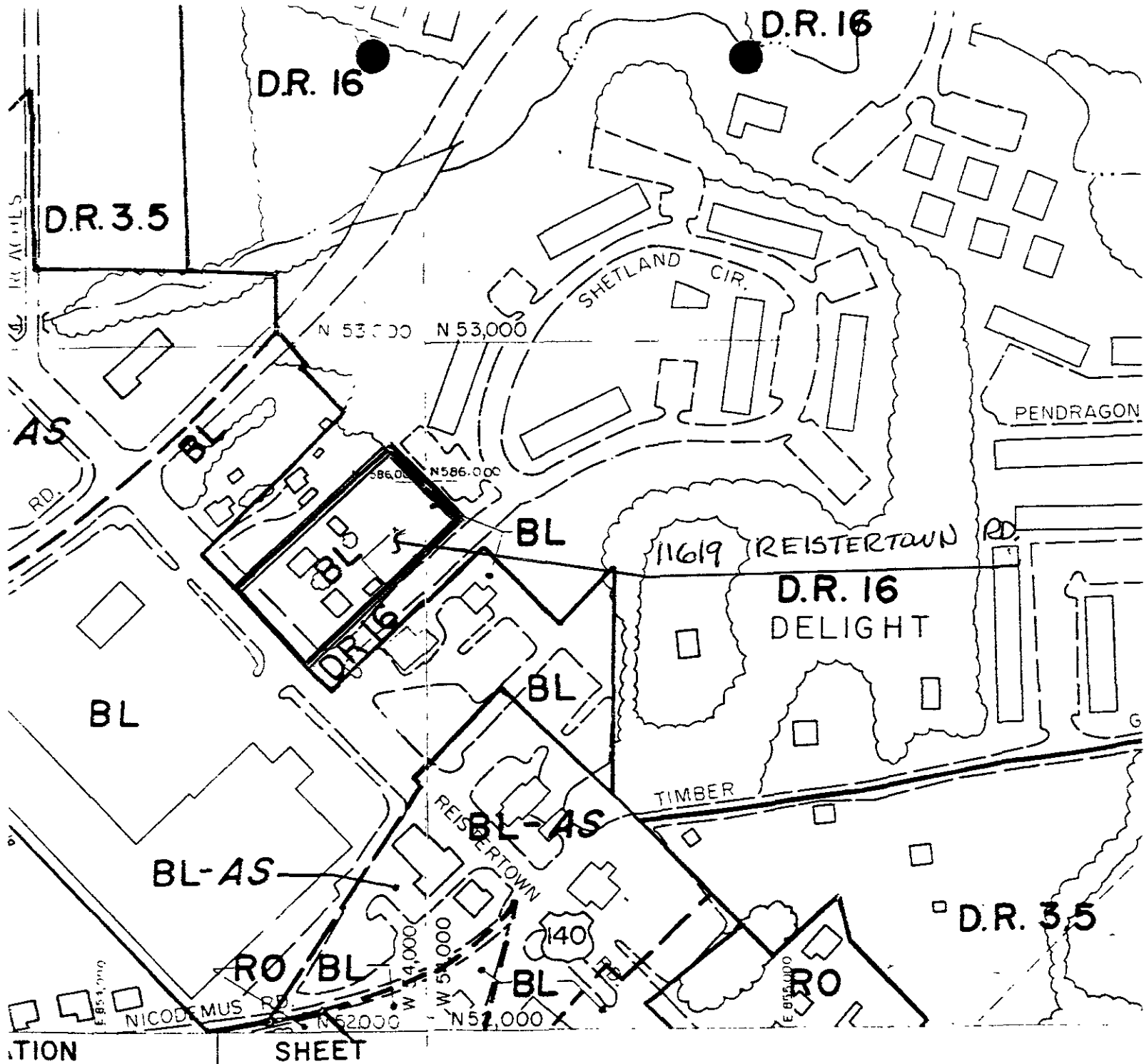
TO: Hearing Officer

FROM: John L. Lewis
Planner II
Zoning Review, PDM

SUBJECT: Case Number 99-522-A
11619 Reisterstown Road

Building within 100 feet of side lot lines were not shown for Section 303.2 compliance. Due to 114-foot existing setback, applicant was certain that no front average difficulties exist but will confirm and engineer will provide written statement confirming this or revise plans accordingly (etc.). Desired to file at own risk based on these conditions.

JLL:scj



THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

6-23-1999

KPA REF 99-003

PART OF N W 14-J

PART OF N.W 14-I

522

49-522-A



GENERAL NOTES

- OWNERS INFORMATION:
NAME: EDDIE F. MOLESWORTH
ADDRESS: 4801 OSBORNE ROAD
BORING, MD 21020
- PROPERTY INFORMATION: (TAX ACCOUNT 0418072253)
USER NAME: MAIN STREET VETERINARY HOSPITAL, INC.
ADDRESS: 11619 REISTERSTOWN ROAD
REISTERSTOWN, MD 21136
- PREVIOUS PERMITS: B088739
- ZONING:
EXISTING: BL; PROPOSED NO CHANGE.
- USES, BUILDINGS:
EXISTING: VETERINARY HOSPITAL
NEW ADDITION: SAME
- UTILITIES:
SANITARY SEWER: EXISTING, PUBLIC SYSTEM
WATER : EXISTING, PUBLIC SYSTEM
- FLOOD PLAINS: AREA IS NOT IN THE 100 YEAR FLOOD PLAIN.
REF. FIRM (FLOOD INSURANCE RATE MAP) 240010-02108 OF 575.
- FLOOR AREA RATIO:
PROPOSED GROSS AREA: (4,405 S.F. EXISTING + 1,712 S.F. PROPOSED) = 6,117 S.F. TOTAL
SITE AREA: 0.88 ACRE
FLOOR AREA RATIO = 0.16 PERMITTED = 3.0
- PARKING:
REQUIRED 1 SPACE/300 S.F. = 21 SPACES
PROVIDED: 26 SPACES (2 HC+24 REGULAR)
HANDICAP SPACES = 12.5x18'
REGULAR PARKING SPACES = 8.5x18'
- ZONING MAP: NW 14-J. OF 1"-200' ZONING MAP.

LOCATION PLAN
SCALE: 1"=2,000'

- LEGEND
- ZONING LINE (EXISTING) (MARKED) _____
- LOT LINE _____
- PARKING SPACES COUNT (10) _____
- STREET R/W LINE _____

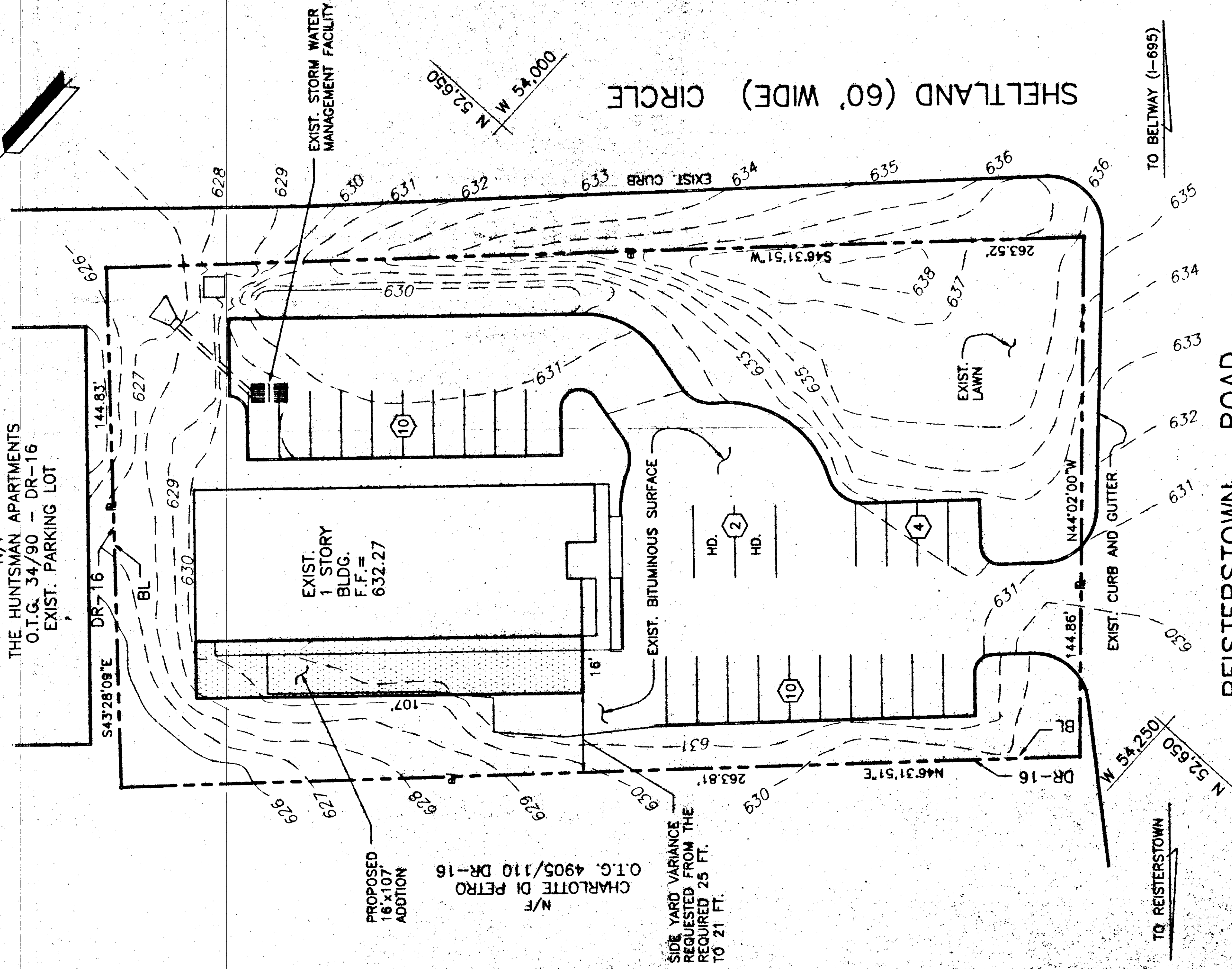
49-522-A

kennedy, porter & associates, inc. consulting engineers 4110 black rock road hampstead, maryland (410) 239-4482 FAX (410) 239-8037 KPA REF. 98-003				MAIN STREET VETERINARY HOSPITAL INC. 11619 REISTERSTOWN ROAD REISTERSTOWN, MD 21136 PLAN TO ACCOMPANY REQUEST FOR SIDE YARD VARIANCE TAX MAP 58 PARCEL 572		date 6/23/99	sheet 1 of 1
drawn by AJM	Date	Revisions		scale AS SHOWN	DISTRICTS E=4, C=3		
designed by JPB							
checked by JPB							
filed							

PLAN
SCALE 1"=20'

REISTERSTOWN ROAD

SHELLLAND (60' WIDE) CIRCLE



PROPOSED
18x107
ADDITION

N/F
CHARLOTTE DI PETRO
O.T.G. 4905/110 DR-16

SIDE YARD VARIANCE
REQUESTED FROM THE
REQUIRED 25 FT.
TO 21 FT.

EXIST.
1 STORY
BLDG.
F.F. =
632.27

N/F
THE HUNTSMAN APARTMENTS
O.T.G. 34/90 - DR-16
EXIST. PARKING LOT

EXIST. STORM WATER
MANAGEMENT FACILITY

EXIST. BITUMINOUS SURFACE

EXIST. LAWN